

CPH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Plaintiff)

v.)

Sonia Lizbeth AVILES-Chavez (MW1))

and)

Jose Alberto CASTILLO-Gonzalez (MW2))

Material Witnesses)

Magistrate No. 08 MJ 2144

COMPLAINT FOR VIOLATION OF ECL

Title 18, U.S.C., Section 3144,
F.R. Crim.P. (Material Witnesses)

The undersigned complainant, being duly sworn, states:

That on or about July 12, 2008, within the Southern District of California, the above-named material witnesses did witness and observe Michael Felix MAYFIELD violate the immigration laws of the United States, knowing and in reckless disregard of the fact that said Material Witnesses, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said Material Witnesses, and upon arrival did not bring and present said Material Witnesses immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

The above named material witnesses are citizens of Mexico with no legal rights to enter, pass through, or remain in the United States. Complainant further alleges that their presence is required as material witnesses in order to prosecute Michael Felix MAYFIELD.

And the complainant further states that he believes that said Material Witnesses are a citizens of a country other than the United States, that said Material Witnesses have admitted that they are deportable as defined in Title 8, United States Code, Section 1229, that it is impracticable to secure their attendance at a trial thereof by subpoena, that they are material witnesses.


SIGNATURE OF COMPLAINANT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF June 2008.


MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On July 12, 2008 at approximately 2:50pm **Michael Felix MAYFIELD (MAYFIELD)**, applied for admission to the United States via the San Ysidro Port of Entry. MAYFIELD was the driver and sole visible occupant of silver 2003 Ford F-350. MAYFIELD presented a United States Passport and California Driver License to a Customs and Border Protection (CBP) Officer bearing the name Aram Mehran YETERIAN. MAYFIELD also presented a California vehicle registration bearing the same name. The CBP Officer asked MAYFIELD where he was going, and what he was bringing from Mexico. MAYFIELD stated he was returning home to San Diego, and had nothing to declare. CBP Officer asked MAYFIELD who owned the vehicle. MAYFIELD stated he was the owner of the truck.

The CBP Officer suspected the documents presented by MAYFIELD were altered. The CBP Officer conducted an inspection of the vehicle discovering eight aliens concealed in the rear seat area beneath a blanket. The vehicle, MAYFIELD, and concealed aliens were escorted into the secondary area.

In secondary inspection, it was determined that the documents presented by MAYFIELD were in fact counterfeit. A total of eight aliens were discovered concealed in the truck beneath black cloth. The aliens consisted of seven adult males and one adult female. Two of the eight aliens were retained as Material Witnesses. Sonia Lizbeth Aviles-Chavez (MW1) and Jose Alberto-Castillo-Gonzalez (MW2) were among the eight aliens in the vehicle. The Material Witnesses were identified as MW1 and MW2.

On July 12, 2008, during a videotaped proceeding, **Sonia Lizbeth AVILES-Chavez (MW1)** admitted she is a citizen of Mexico by birth. MW1 admitted she does not possess the documents to enter or reside in the United States. MW1 stated she was going to Bakersfield, California to reunite with her mother.

MW1 stated her mother made arrangements for her to be smuggled into the United States. MW1 stated her mother was to pay an unspecified amount upon successful entry into the United States. MW1 stated three unknown males drove her to the border and placed her in the vehicle being driven by MAYFIELD. MW1 identified MAYFIELD as the driver through a photographic lineup. MW1 stated she had shared the same house with MAYFIELD for the past three days, and during those three days had talked with him.

On July 12, 2008, during a videotaped proceeding, **Jose Alberto CASTILLO-Gonzalez (MW2)** admitted he is a citizen of Mexico by birth. MW2 admitted he does not possess the documents to enter or reside in the United States. MW2 stated he was going to Hayward, California to reunite with family and obtain employment.

MW2 stated his brother made arrangements for him to be smuggled into the United States and he was to pay 3,000.00 USD upon successful entry into the United States. MW2 stated he had stayed in a hotel in Tijuana Mexico for eleven days and an unknown house for the last three days. MW2 observed **Michael Felix MAYFIELD (MAYFIELD)** enter and leave the house on several occasions. MW2 stated MAYFIELD unsuccessfully attempted to smuggle him into the United States on the previous night. MW2 identified MAYFIELD through a photographic lineup as the driver of the vehicle.

MAYFIELD was taken into custody and is currently in the custody of the San Diego County jail pending adjudication of a probation violation matter. The United States continues to investigate criminal charges against MAYFIELD for the above described event.

The complainant states that **Sonia Lizbeth AVILES-Chavez** and **Jose Alberto CASTILLO-Gonzalez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to criminal charges and should be held or admitted to bail pursuant to Title 18, United States Code Section 3144.